

I want to tell them and all of those other people I watched on CSPAN who are trying to undermine this law that we will not let you get away with it. American politics and the political process is too sacred for me to allow these stooges of special interests around this town to prevail and prevent us from restoring faith and confidence in the American people and their electoral system.

Again, I appreciate the patience of the Presiding Officer.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 3:04 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORNYN).

#### INTERNET TAX NONDISCRIMINATION ACT

The PRESIDING OFFICER. The Senate will resume consideration of S. 150.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ANOTHER WEEK, ANOTHER CLOTURE VOTE

Mr. BYRD. Mr. President, our country is facing record budget and trade deficits. We are in a war of our President's choosing that is not, to put it mildly, going as well as had been expected. Millions of Americans are without health care and millions more worry about the security of their jobs.

These are troubled times and many issues clamor for the attention of the Senate. Yet what is the response of the Senate, the world's greatest deliberative body? Are we debating strategies to quell the violence in Iraq and bring our soldiers home? No. Are we considering plans to shore up Social Security and Medicare? No. Is the Senate deliberating on how to make America's workforce more competitive? No. Is the Senate grappling with reauthorizing welfare reform or the highway bill? No.

This great deliberative body which was forged by the Founding Fathers in the Great Compromise of July 16, 1787, has become a factory that manufactures sound-bite votes that make great fodder for 30-second political ads but which do very little to address the many challenges facing this country. If this continues, I fear that the Senate will be little more than an insignificant arm of the political parties, and we may as well lower the flag that flies over this Capitol and wave the white flag of surrender in its place.

Have we lost the will to legislate? Is the current leadership afraid to allow the Senate to work its will? The Republican leadership seems to feel that their slim majority gives them a blank check to impose their exclusive agenda. Let me be clear. It does not. The Senate, by its very existence, embodies a core tenet in American democracy; namely, the principle that the minority—the minority, the Democrats as of now, the minority—has rights. The Republican leadership is fast making the committee process a thing of the past. Furthermore, the leadership has done everything in its power to prevent Democratic Senators from getting votes on their amendments.

The United States is faced with a trade deficit that has mushroomed to an all-time high for the third year in a row. Adding to that unfortunate situation, in August 2002, the World Trade Organization authorized the European Union to impose up to \$4 billion in trade sanctions against the United States if provisions of the Tax Code were not repealed. How about that?

The distinguish Republican leader brought up the Foreign Sales Corporation legislation to address this situation only after the sanctions were in place. After votes on only two amendments, the majority wanted to shut down the amendment process—shut it down. Many reasons were given, but the truth is that they did not want to vote on an amendment dealing with overtime rules for American workers. Yes, the American workers. While American companies are losing their competitive edge, the “my way or the highway” approach of the leadership has delayed a final resolution on this bill.

In the past, cloture was a rarely used procedural tool. When I came to this Senate, it was rarely used—only once in a while. Not so today. Cloture is routinely filed in an attempt to limit non-germane amendments. Instead of the phrase, “another day, another dollar,” the Senate operates in an atmosphere of “another week, another cloture vote.”

Last November, we had three cloture votes in one day. What great hopes the leadership must have had for the first two votes to schedule three in a row. How can such a move be seen as anything more than political scorekeeping?

This Senate has spent an extraordinary amount of time and energy and effort on President Bush's judicial nominees. In fact, last November the Senate set aside the VA-HUD appropriations bill to hold an overnight marathon stunt—something to watch indeed, something to watch. What a sham. The majority actually set aside substantive legislation to conduct a circus—a circus—on the floor of the Senate.

The VA-HUD appropriations bill was never completed. Instead, it was rolled into the Omnibus appropriations bill, as has become the unfortunate custom

in recent years. We have had 17 cloture votes on 6 controversial and problematic nominees. The response of the Republican leadership and the administration has not been to address the fundamental underlying concerns raised by various Senators. Oh, no, no negotiation. Instead, they choose the course of holding cloture vote after cloture vote and then bash Democratic Senators as obstructionist. And just for good measure, the President, who has had 96 percent of his judges confirmed, moved two of these divisive nominees on to the bench in recess appointments.

Now, I do not pretend that the conflict over judicial nominees began in this Senate or with the President, but I will state that this Senate leadership and this President have worked in concert to further politicize the process by which we select members of the judiciary.

And it is not just with judicial nominees that the Republican leadership is doing the White House's bidding. The Republican leadership is controlled by this White House—controlled by this White House. Rather than have a legislative branch which crafts a bill and then sends it to the President to sign or veto, this Republican leadership in the Senate and in the House has allowed this President to control both ends of Pennsylvania Avenue.

During the conference on the Omnibus appropriations bill, the Republican majority allowed this White House to assert itself and put in provisions that had been rejected by one or both Houses. Specifically, the provision to allow increased concentration of media ownership had been rejected by both the House and the Senate. However, it was included in the bill at the behest of the White House. Shameful. Yes, shameful.

The House and the Senate were both on record as opposing overtime regulations proposed by the Bush administration. Nevertheless, at the urging of the Bush White House, language to block implementation of these regulations was dropped from the conference report—dropped from the conference report.

Another example of allowing the Bush White House to dictate the legislation produced by the Congress is the highway bill. Here is a bill that is important to every State and every person in the Union. Every Senator's State will benefit from this bill. The transportation bills passed the House and the Senate by wide bipartisan majorities, majorities that could easily override a veto. Yet we are stalled because the Bush White House is demanding that the cost of the highway bill be significantly lower than what was passed by both Houses of Congress.

This White House, under the Bush administration, has threatened a veto if the cost of the bill is over its chosen number. What is meant by “its”? Under the White House's chosen number. Big daddy down at the White House, big daddy.